

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

Case No. 10-CR-64

FAUSTINO JARAMILLO-UGARTE,

Defendant.

DECISION AND ORDER

Before the Court is Defendant Faustino Jaramillo-Ugarte's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c), which allows a court to reduce a sentence if (1) the U.S. Sentencing Commission (Commission) has lowered the applicable guideline range, and (2) the reduction is consistent with applicable policy statements issued by the Commission.

In Jaramillo-Ugarte's case the first criterion has been met. However, Jaramillo-Ugarte was sentenced to the mandatory minimum of 120 months imprisonment, and the Commission's policy statement at USSG § 1B1.10 app. note 1(A) prohibits reduction of a sentence if an amendment "does not have the effect of lowering the defendant's applicable guideline range because of operation of another ... statutory provision (*e.g.*, a statutory mandatory minimum term of imprisonment.)" As a matter of law,

Jaramillo-Ugarte's sentence cannot fall below the statutory minimum, and no further reduction is allowed. Jaramillo-Ugarte fails to meet the second criterion. Accordingly, his motion must be denied.

IT IS HEREBY ORDERED THAT:

Jaramillo-Ugarte's motion to reduce sentence (ECF No. 529) is **DENIED.**

Dated at Milwaukee, Wisconsin, this 27th day of May, 2016.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge